

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: ZILMA I. ACOSTA,

Case No.: 16-34520 RG

Judge: ROSEMARY GAMBARDELLA

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Original | <input type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: JANUARY 15, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ 350 per MONTH to the Chapter 13 Trustee, starting on JANUARY OF 2017 for approximately THIRTY-SIX (36) months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☒ Loan modification with respect to mortgage encumbering property:

Description: 102 GROVE ST., BLOOMFIELD, NEW JERSEY. TRUSTEE IS NOT TO PAY CENLAR'S PRE-PETITION MORTGAGE ARREARAGE CLAIM. ARREARS DUE TO CENLAR, TO BE ADDRESSED THROUGH LOAN MODIFICATION. DEBTOR TO MAKE LOSS MITIGATION PAYMENT (STARTING IN JANUARY OF 2017), NOT REGULAR MONTHLY MORTGAGE PAYMENT, TO CENLAR. ARREARS TO BE ADDRESSED THROUGH LOAN MODIFICATION.

Proposed date for completion: JUNE 30, 2017, OR AS EXTENDED BY THE COURT

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

| Creditor | Type of Priority | Amount to be Paid |
|--|---|--|
| HERBERT B. RAYMOND, ESQ., ATTORNEYS AT LAW | ADMINISTRATIVE EXPENSE (COUNSEL FEES & SUPP. FEES) | \$3,000 (ORIG. FEE PLUS SUPP. COUNSEL FEES IF APPLICABLE) |
| MARIE-ANN GREENBERG, ESQ., CHAPTER 13 TRUSTEE | ADMINISTRATIVE EXPENSE | \$1,400 |

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

| Creditor | Collateral or Type of Debt | Arrearage | Interest Rate on Arrearage | Amount to be Paid to Creditor (In Plan) | Regular Monthly Payment (Outside Plan) |
|----------|----------------------------|-----------|----------------------------|---|--|
| | | | | | |

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

| Creditor | Collateral | Scheduled Debt | Total Collateral Value | Superior Liens | Value of Creditor Interest in Collateral | Annual Interest Rate | Total Amount to be Paid |
|----------|------------|----------------|------------------------|----------------|--|----------------------|-------------------------|
| | | | | | | | |

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

| Creditor | Collateral to be Surrendered | Value of Surrendered Collateral | Remaining Unsecured Debt |
|----------|------------------------------|---------------------------------|--------------------------|
| | | | |

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

| Creditor | Collateral | Total Amount to be Paid Through the Plan |
|----------|------------|--|
| | | |

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☒ Not less than 100 percent

☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

| Creditor | Basis For Separate Classification | Treatment | Amount to be Paid |
|----------|-----------------------------------|-----------|-------------------|
| | | | |

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

| Creditor | Nature of Contract or Lease | Treatment by Debtor |
|----------|-----------------------------|---------------------|
|----------|-----------------------------|---------------------|

| | | |
|--|--|--|
| | | |
|--|--|--|

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

| Creditor | Nature of Collateral | Type of Lien | Amount of Lien | Value of Collateral | Amount of Claimed Exemption | Sum of All Other Liens Against the Property | Amount of Lien to be Avoided |
|----------|----------------------|--------------|----------------|---------------------|-----------------------------|---|------------------------------|
| | | | | | | | |

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount of Lien to be Reclassified |
|----------|------------|-----------------------------------|
|----------|------------|-----------------------------------|

| | | |
|--|--|--|
| | | |
|--|--|--|

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

| Creditor | Collateral | Amount to be Deemed Secured | Amount to be Reclassified as Unsecured |
|----------|------------|-----------------------------|--|
| | | | |

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Counsel Fees and Supplemental Counsel Fees
- 3) Secured Claims and then Priority Claims
- 4) Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified:

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: JANUARY 12, 2017

/S/ HERBERT B. RAYMOND, ESQ.
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: JANUARY 12, 2017

/S/ ZILMA I. ACOSTA
Debtor

Date:

Joint Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Zilma I Acosta
 Debtor

Case No. 16-34520-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 20

Date Rcvd: Jan 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 19, 2017.

db +Zilma I Acosta, 102 Grove Street, Bloomfield, NJ 07003-5648
 516569132 +Capital One, PO Box 85617, Richmond, VA 23285-5617
 516569133 +Cenlar, PO Box 77404, Trenton, NJ 08628-6404
 516569134 +Cenlar Federal Savings Bank, 425 Phillips Blvd., Trenton, NJ 08618-1430
 516569136 +Evergreen Emergency Associates, PO Box 30743, Tampa, FL 33630-3743
 516569137 +Franklin Mutual Insurance, 5 Broad Street, Branchville, NJ 07826-5601
 516569138 Imaging Subspecialists of North Jersey, PO Box 3607, Evansville, IN 47735-3607
 516569139 +KML Law Group, 701 Market St., Ste. 5000, Philadelphia, PA 19106-1541
 516569140 The Derm Group, PO Box 791486, Baltimore, MD 21279-1486
 516569141 +The Dermatology Group, 60 Pompton Avenue, Verona, NJ 07044-2946
 516569142 +The Dermatology Group, PO Box 827245, Philadelphia, PA 19182-7245
 516569143 +VRMNJ, 306 Main Street, 2nd Floor, Millburn, NJ 07041-1178
 516569144 +West Hudson Pulmonary Associates, 816 Kearny Avenue, Kearny, NJ 07032-3148

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

E-mail/Text: usanj.njbankr@usdoj.gov Jan 17 2017 23:43:38 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jan 17 2017 23:43:36 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516569130 E-mail/Text: ebn@americollect.com Jan 17 2017 23:43:45 Americollect Inc, PO Box 1566, Manitowoc, WI 54221
 516569129 +E-mail/Text: seinhorn@ars-llc.biz Jan 17 2017 23:44:35 Ability Recovery Service, PO Box 4031, Wyoming, PA 18644-0031
 516569135 +E-mail/Text: kzoepfel@credit-control.com Jan 17 2017 23:43:40 Central Loan Admin & Reporting, 425 Phillips Blvd, Ewing, NJ 08618-1430
 516569145 +E-mail/Text: collect@williamsalexander.com Jan 17 2017 23:43:16 Williams, Alexander & Associates, PO Box 2148, Wayne, NJ 07474-2148
 516569146 +E-mail/Text: collect@williamsalexander.com Jan 17 2017 23:43:16 Williams/Alexander & A, 1479 Route 23 South, Wayne, NJ 07470-7507

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516569131* ++AMERICOLLECT INC, PO BOX 2080, MANITOWOC WI 54221-2080
 (address filed with court: Americollect Inc, Po Box 1566, Manitowoc, WI 54221)
 TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 15, 2017 at the address(es) listed below:

Herbert B. Raymond on behalf of Debtor Zilma I Acosta bankruptcy123@comcast.net,
 jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@comcast.net; herbertraymond@gmail.com; carbonell_c@hotmail.com; kdelyon.raymond@gmail.com
 Marie-Ann Greenberg magecf@magtrustee.com
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3